

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 27**

PUEBLO WEST ORGANICS, LLC

and

Cases 27-CA-173551  
27-CA-176643  
27-RC-173506

UNITED FOOD AND COMMERCIAL  
WORKERS, LOCAL 7, AFL-CIO

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**CHARGING PARTY'S STATEMENT OF POSITION REGARDING  
RESPONDENT'S MOTION FOR CONTINUANCE**

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COMES NOW, United Food and Commercial Workers, Local 7 ("Charging Party"), by and through its undersigned General Counsel, and submits the following statement of its position concerning Respondent's Motion for Continuance:

1. In the first instance, Charging Party notes that while it is sympathetic to the circumstances of a trial conflict, since almost all counsel face that at one time or another, this issue was never raised with the undersigned by counsel for Respondent, nor indeed, was it raised until its Motion for Continuance – despite the fact that this matter has been set for approximately one month.

2. As noted in the September 28, 2016 Opposition of the NLRB, two employees have been terminated by the improper and unlawful activities of the Respondent and their damages continue to accrue. A continuance, especially with Respondent having offered no available dates, is thus completely inequitable.

3. That being said, however, Charging Party does not object to a *brief* continuance to a date certain, so long as such date(s) is in the month of October, 2016. Charging Party is available to commence this hearing on October 24, 2016 or any time during that week.

4. If Respondent can agree to a date certain, Charging Party has no objection to its Motion for Continuance.

5. If, however, Respondent is unable to commit to a definite date for the commencement of this hearing prior to October 31, 2016, then Charging Party is left with no alternative but to object to the Motion for Continuance.

RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of September, 2016.



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Todd J. McNamara  
General Counsel  
United Food and Commercial Workers,  
Local 7, AFL-CIO

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2016, a true and correct copy of the **Charging Party's Statement Of Position Regarding Respondent's Motion For Continuance** was placed in the U.S. Mail, postage prepaid, E-mailed, and/or E-filed to the following:

The Honorable Gerald Etchingham  
Associate Chief Administrative Law Judge  
San Francisco Division of Judges  
National Labor Relations Board  
901 Market Street, Suite 300  
San Francisco, CA 94103-1779  
**E-Filed to:** [www.nlrb.gov](http://www.nlrb.gov) with the  
Division of Judges

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National Labor Relations Board  
Region 27  
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s/ Diane Eneboe  
Diane Eneboe

